

Amendment in response to
August 23, 2006 Office action

Atty Dkt No.: 2001P18373US
Serial No.: 10/032,889

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REMARKS

Claims 1 – 16 remain in the application and stand rejected. Claims 1, 2, 6, 9 and 15 are amended herein. New claims 17 – 19 are added herein. No new matter has been added. Although this Amendment is being timely filed, the Commissioner is hereby authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

New claims 17 – 19 are added herein and supported in the specification on page 4, lines 8 – 11. New claims 17 – 19 affirmatively recite that “remotely connected web enabled devices have access to all PBX features” in response to the Office action (18). No new matter has been added. Independent consideration and allowance of new claims 17 – 19 is respectfully requested.

Claims 1 – 6, 9 – 12, 15 and 16 are rejected as being unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,020,915 to Bruno et al. in view of U.S. Patent No. 5,619,555 to Fenton et al. Claims 7, 8, 13 and 14 are rejected under 35 U.S.C. §103(a) over Bruno et al. and Fenton et al. in view of published U.S. Patent Application No. 2001/0026609 to Weinstein et al. The rejection is respectfully traversed.

It is asserted that, essentially, Bruno et al. Figure 1 shows the invention as recited in claim 1, except that it is acknowledged that Bruno et al. fails to teach that “the remotely connected device controls the remote telephone.” Thus, Fenton et al. is relied upon to teach this missing element. In responding to the applicants prior arguments, the office action asserts (18) that the applicants relied, at least in part on features that were not reflected in the claims, “i.e., access to all communication server features ...” However, the applicants note that claim 1, for example, recites that the “remotely connected device [act] as a locally connected digital telephone,” and therefore, has access to all communication server features. *See, also*, claim 9, lines 8 – 9 and claims 17 – 19.

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The Office action also responds (19), asserting that "Applicant argues that Fenton cannot teach remote telephones controlled by remote devices because the remote telephones are not **directly connected** with the remote devices." (emphasis added.) However, that is not quite what the applicants argued. Instead, the applicants noted that Fenton et al. teaches "an audio conferencing system 10 having a central server 12 connected through a LAN 14 to a pair of remote computers or workstations 16 and 18 and through a telephone network 20 to a pair of remote telephone sets 22 and 24. The telephone sets are **not directly associated** with the remote computers." (emphasis added.) Association does not require a physical connection. However, since they are not directly *associated*, the remote computers or workstations 16 and 18 do not control the remote telephone sets 22 and 24. Thus, the combination of Bruno et al. and Fenton et al. does not result in the present invention.

Be that as it may, however, claim 1 (and 9) is/are amended for clarity to further recite that the "remotely connected device ... [has/have] access to digital telephone features." Claim 15 is amended to recite that the "remotely located web enabled device [has] access to private telephony features from [the] communications server..." While a Fenton et al. "[c]entral server 12 [that] includes components for initiating, controlling and terminating audio conferences [and] receives audio conference information and commands from end users through the remote computers and controls an audio conferencing subsystem 28 to initiate audio conferences" (col. 5, lines 4 – 10) may show control of a server in an audio conference (as more or less asserted in the Office action (20)); it does not show the connected device having "access to digital telephone features."

Also, claim 2 is amended to recite that the "remotely connected device and [the] remote telephone are a virtual digital telephone." This is supported in the application on page 5, lines 2 – 4 and not shown nor suggested by any reference of record.

Claim 6 is amended to recite typical communications server/PBX features and is supported in the application on page 5, line 12 – page 6, line 5. No reference of record teaches or suggests a remotely connected device with access to these features.

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Further, new claims 17 – 19 are added to recite that “remotely connected web enabled devices have access to all PBX features” which also is not shown or suggested by any reference of record. Therefore, it is believed that the combination of Bruno et al. and Fenton et al. does not result in the present invention as recited in the claims as filed, or as amended herein.

Reconsideration and withdrawal of the rejection of claims 1 – 6, 9 – 12, 15 and 16 under 35 U.S.C. §103(a) over Bruno et al. and Fenton et al. is respectfully requested.

Neither does Weinstein et al. add what is missing from the combination of Bruno et al. and Fenton et al. to result in the present invention as recited in 1 and 9. Weinstein et al. is relied upon to teach a wireless area protocol (WAP) device connected over the Internet. Thus, the combination of a Weinstein et al. WAP with Bruno et al. and Fenton et al. does not result in the present invention as recited in 1 and 9, much less claims 2, 8, 13 and 14, which depend therefrom. Reconsideration and withdrawal of the rejection of claims 2, 8, 13 and 14 under 35 U.S.C. §103(a) over Bruno et al. and Fenton et al. in combination with Weinstein et al. is respectfully requested.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the amendment to the claims and for the reasons set forth above, the applicants respectfully request that the Examiner consider new claims 17 – 19, reconsider and withdraw the rejection of claims 1 – 16 under 35 U.S.C. §103(a) and allow the application to issue.

As the applicants previously noted, MPEP §706 “Rejection of Claims,” subsection III, “PATENTABLE SUBJECT MATTER DISCLOSED BUT NOT CLAIMED” provides in pertinent part that

If the examiner is satisfied after the search has been completed that patentable subject matter has been disclosed and the record indicates that the applicant intends to claim such subject matter, he or she may note in the Office action that certain aspects or features of the patentable invention have not been claimed and that if properly claimed such claims may be given favorable consideration.

(emphasis added). The applicants believe that the written description of the present application is quite different than, and not suggested by, any reference of record. Accordingly,

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should the Examiner believe anything further may be required, the Examiner is requested to
contact the undersigned attorney by telephone at (650) 694-5339 for a telephonic interview to
discuss any other changes.

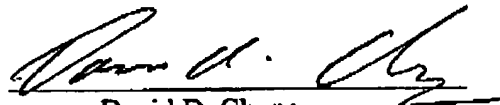
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Respectfully submitted,

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November 16, 2006

(Date)



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